

JUSTICE COURT OF THE VILLAGE OF SCARSDALE
COUNTY OF WESTCHESTER, STATE OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK,

Plaintiff,

- against -

DECISION AND ORDER

NAOMI K. GOODMAN,
Owner: 136 Madison Road, Scarsdale, NY 10583

Defendant.

On July 31, 2012, Naomi K. Goodman, the Defendant and Owner of 136 Madison Road, Scarsdale, NY 10583, was issued an Accusatory Instrument/Information charging her with the following violations:

- 1) New York State Property Maintenance Code Section 304.2: Protective Treatment
- 2) New York State Property Maintenance Code Section 304.7: Roofs and Drainage
- 3) New York State Property Maintenance Code Section 307: Accumulation of Rubbish or Garbage
- 4) New York State Property Maintenance Code Section 302.1: Sanitation

On August 29, 2012, the Defendant Naomi K. Goodman was arraigned on the charges, and advised by the People, that she needed to make repairs to the house and property by fixing the roof, replacing or removing broken shutters, painting the house, removing garbage on the premises and cutting the lawn.

Over the course of the next year, the Defendant Naomi K. Goodman missed numerous court appearances and repeatedly failed to provide the People and the Court with any proof that she was actively trying to correct the violations.

In June 2013, the Defendant Naomi K. Goodman did submit a written estimate from Delorenzo Contracting to repair the roof, but did not enter into a contract with them to do the work.

In July 2013, the Defendant Naomi K. Goodman submitted an email to the People from Nurzia Construction Company to schedule an appointment to have an estimate done to make repairs. However, no evidence was submitted that that the appointment took place, no written estimate was submitted, and Nurzia Construction was not hired to do the repair work.

In September 2013, more than one year from the date the original violations, the People requested that the matter be set for trial, and due to her numerous missed court appearances, the People also requested that the Defendant, Naomi K. Goodman be issued a Parker Warning informing her that if she failed to appear for her trial, it would be held in absentia. The Parker Warning was given to the Defendant, Naomi K. Goodman and the trial date was set for September 25, 2013.

On September, 25, 2013, the Defendant, Naomi K. Goodman failed to appear, and the People, represented by Assistant Village Prosecutor, Joseph F. O'Brien proceeded with the trial and called Village of Scarsdale Assistant Building Inspector and Code Enforcement Officer Joseph Saracino to testify.

Code Enforcement Officer Joseph Saracino testified that the paint on the house was peeling, and many portions of the clapboard were bare and exposed to the elements thereby promoting rot and decay. Other areas of the clapboard were covered in green mold and mildew.

Furthermore, the shutters were in complete disrepair and one had fallen from the house. There was a substantial hole in the roof, which was also open to the elements, rendering it possible for rot, decay, fire, and animal and insect infestation. The gutters and leaders to the home were in despair and water was not properly being drained away from the house, and was in fact entering the home through the hole in the roof. Rubbish and garbage were evident alongside the house and not being placed in approved trash receptacles.

Several photo exhibits were marked and admitted into evidence in support of the Saracino testimony. Furthermore, the People submitted a notarized Affidavit from Code Enforcement Officer Joseph Saracino stating that water, electric and gas service to the house and property at 136 Madison Road had been disconnected.

After considering the Saracino testimony, the photo exhibits and Saracino Affidavit, this Court finds the Defendant, Naomi K. Goodman, GUILTY of all four charges stated above.

The Defendant, Naomi K. Goodman is sentenced as follows:

The Defendant has thirty (30) days from the date of this conviction, October 16, 2013 to complete the following repairs to the home forthwith:

- 1) Patch the damaged roof area located in the right/front portion of the house.
- 2) Remove the Shutters.
- 3) Paint the House.

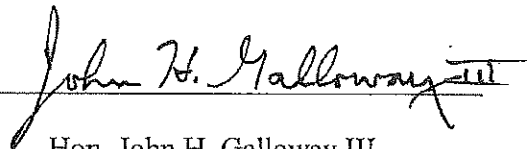
- 4) Remove any garbage or rubbish and/or place it in an approved trash receptacle.
- 5) Cut the Lawn/Grass.

If the Defendant, Naomi K. Goodman, fails to complete these repairs as described above, She will be fined \$1,000.00 (One Thousand Dollars) per day from the date of conviction, October 16, 2013. This fine consists of \$250.00 (Two Hundred-Fifty Dollars) per day for each of the four violations.

This Constitutes the Decision and Order of this Court

Dated: October 16, 2013
Scarsdale, New York

So Ordered:

A handwritten signature in black ink, reading "John H. Galloway III", is written over a horizontal line.

Hon. John H. Galloway III
Scarsdale Village Justice